REMARKS

By this Amendment, Applicants have amended claim 27 to more appropriately define the invention. Claims 27, 28, 32, 42, and 46 remain pending, and claims 33-41 and 47-52 are withdrawn from consideration for examination as drawn to a non-elected species.

In the final Office Action, the Examiner maintained the rejection of claims 27, 28, 32, 42, and 46 under 35 U.S.C. § 103(a) as anticipated by <u>Metz et al.</u> (U.S. Patent No. 5,666,293) in view of <u>Yen</u> (U.S. Patent No. 6,381,694).

In the Request for Reconsideration filed on January 24, 2006 ("Response"), Applicants traversed the claim rejection, because <u>Metz et al.</u> and <u>Yen</u>, taken alone or in combination, fail to teach or suggest each and every element of claim 27. Response, pages 2-5.

In an Advisory Action issued on April 6, 2006, and in response to Applicants' arguments presented in the Response, the Examiner alleged that

> the last paragraph of claim 27 includes features that are recited in the alternative. Thus it is only required that one or the other limitation to be met in order to reject the claim. In particular, the first alternative is, one of 'a version number of the control program stored in the second domain'. The second alternative is, 'a predetermined number indicating that the download procedure for updating the control program in the second domain was suspended due to a power failure or a signal transmission error'. The third alternative is, 'wherein the initial boot routine includes checking whether or not a value stored in the first domain is the predetermined number and, when the value is the predetermined number, automatically updating the control program'.

Advisory Action, page 2.

Applicants traverse the Examiner's allegations. The last paragraph of claim 27 includes two clauses, i.e., "wherein the first domain stores one of a version number . . .

or a predetermined number . . . ," and "wherein the initial boot routine includes . . . ,

when the value is the predetermined number, automatically updating the control

program." These two clauses are not alternative to each other. Moreover, claim 27

does not recite the version number and the predetermined number as alternatives;

rather, claim 27 requires that the first domain store both the version number **and** the

predetermined number, although at different times and under different conditions. To

advance prosecution, however, Applicants have amended claim 27 to even more clearly

define the invention.

Claim 27 as amended now recites, inter alia,

> wherein the first domain stores a version number of the control
> program stored in the second domain when the control program is valid
> and a predetermined number when the download procedure for updating
> the control program in the second domain was suspended due to a power
> failure or a signal transmission error, and wherein the initial boot routine
> includes checking whether or not a value stored in the first domain is the
> predetermined number and, when the value is the predetermined number,
> automatically updating the control program.

Metz et al. and Yen, taken alone or in combination, fail to teach or suggest at

least these elements of claim 27.

First, Metz et al. teaches that "[t]he operating system file downloaded . . . also

includes a bit pattern code used to indicate **that the data is a valid operating system**

for the particular type of set-top." Metz et al., col. 37, ll. 60-63, emphasis added. The

Examiner apparently considered the bit pattern code as corresponding to Applicants'

claimed predetermined number. Advisory Action, page 3. However, the bit pattern

code in Metz et al. only indicates whether the operating system is valid for a particular

type of set-top and does **not** indicate whether the operating system was corrupt during

a downloading procedure thereof "due to a power failure or a signal transmission error."

Therefore, Metz et al. fails to teach or suggest at least "wherein the first domain stores a

version number of the control program stored in the second domain when the control

program is valid **and a predetermined number when the download procedure for**

updating the control program in the second domain was suspended due to a

power failure or a signal transmission error," as recited in claim 27, emphasis

added.

Yen also fails to teach or suggest at least "wherein the first domain stores a

version number of the control program stored in the second domain when the control

program is valid and a predetermined number when the download procedure for

updating the control program in the second domain was suspended due to a power

failure or a signal transmission error," as recited in claim 27. Therefore, Yen fails to

cure the above-noted deficiencies of Metz et al.

Moreover, because Metz et al. fails to teach or suggest that the first domain

stores the "predetermined number when the download procedure for updating the

control program in the second domain was suspended due to a power failure or a signal

transmission error," Metz et al. also fails to teach or suggest at least "wherein the initial

boot routine includes checking **whether or not a value stored in the first domain is**

the predetermined number and, when the value is the predetermined number,

automatically updating the control program," as recited in claim 27, emphasis added.

Similarly, because Yen also fails to teach or suggest at least "wherein the first

domain stores . . . a predetermined number when the download procedure for updating

the control program in the second domain was suspended due to a power failure or a

signal transmission error," <u>Yen</u> also fails to teach or suggest at least "wherein the initial

boot routine includes checking **whether or not a value stored in the first domain is**

the predetermined number and, when the value is the predetermined number,

automatically updating the control program," as recited in claim 27, emphasis added.

In view of the above, <u>Metz et al.</u> and <u>Yen</u>, taken alone or in combination, fail to

teach or suggest at least

> wherein the first domain stores a version number of the control
> program stored in the second domain when the control program is valid
> and a predetermined number when the download procedure for updating
> the control program in the second domain was suspended due to a power
> failure or a signal transmission error, and wherein the initial boot routine
> includes checking whether or not a value stored in the first domain is the
> predetermined number and, when the value is the predetermined number,
> automatically updating the control program,

as recited in claim 27. Thus, a <u>prima facie</u> case of obviousness has not been

established with regard to claim 27. The rejection of claim 27 and its dependent claims

28 and 32 should be withdrawn.

In addition, claim 42 recites a method for downloading a control program that

includes, <u>inter alia</u>,

> writing a predetermined value in a version domain of the
> non-volatile random access memory; . . . and restarting the
> downloading program stored in the non-volatile random access
> memory for recovering the control program when the examined
> version domain of the non-volatile random access memory includes
> the predetermined value.

For reasons similar to those set forth in the above, <u>Metz et al.</u> and <u>Yen</u> fail to

teach or suggest at least these elements of claim 42. Therefore, claim 42 is allowable

over <u>Metz et al.</u> and <u>Yen</u>. Claim 46 depends from claim 42 and is therefore also

allowable over <u>Metz et al.</u> and <u>Yen</u> at least for the same reasons as claim 42.

In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims 27, 28, 32, 42, and 46.

If there is any fee due in connection with the filing of this response, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: September 6, 2006   By:_____
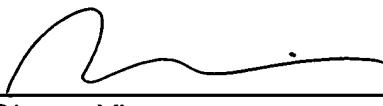
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